

Translation

PATENT COOPERATION TREATY

PCT/FR2003/003379



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 345398 D19730	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/003379	International filing date ( <i>day/month/year</i> ) 14 novembre 2003 (14.11.2003)	Priority date ( <i>day/month/year</i> ) 15 novembre 2002 (15.11.2002)
International Patent Classification (IPC) or national classification and IPC B28B 13/02, 1/26		
Applicant CENTRE NATIONAL DE LA RECHERCHE SCIENTIFIQUE (CNRS)		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.  <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 14 juin 2004 (14.06.2004)	Date of completion of this report 25 February 2005 (25.02.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/003379

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:  
 pages \_\_\_\_\_ 1-12 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_ 1-13 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
 pages \_\_\_\_\_ 1/3-3/3 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR 03/03379

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-8, 13	YES
	Claims	9-12	NO
Inventive step (IS)	Claims	1-8	YES
	Claims	9-13	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

### 2. Citations and explanations

1.1 Reference is made to the following documents:

D1: CA-A-2 124 863;

D2: US-A-5 948 335.

2. The following observations are made under the terms of PCT Article 6:

In product claims **9** and **11**, the products are defined in terms of the production method therefor. Said claims are not acceptable unless the products *per se* fulfil the requirements of patentability (cf. the PCT Guidelines, 5.26 and 5.27).

3. Paragraph 2 of the present written opinion has been taken into consideration when drafting the following observations.

3.1 Independent claim **1**

Document D1 describes (the references between parentheses apply to said document) a method for producing a ceramic item (page 3, lines 17-21), including the steps of casting a pressurised slip in

a mould in order to form a deposit, and filtering a solution onto said deposit (*page 6, lines 15-24; page 8, lines 18-22; page 9, line 6 and page 10, lines 7-11*).

It follows that the subject matter of claim 1 differs from that known from D1 in that: the solution contains a deflocculant.

The subject matter of claim 1 is, therefore, novel (PCT Article 33(2)).

The problem that the present invention is intended to solve can therefore be considered to be that of accelerating the pressure casting of a ceramic item without adversely affecting the mechanical strength of said item when it is removed from the mould (the description, page 4, lines 1-3).

The solution proposed in claim 1 of the present application is not known from, or suggested in, the available prior art. The subject matter of claim 1 is considered to involve an inventive step (PCT Article 33(3)).

### 3.2 Independent claim 9

Document D2 describes (the references between parentheses apply to said document) a ceramic item (*column 1, lines 13 and 14*).

As a result, the subject matter of claim 9 is not novel (PCT Article 33(2)).

### 3.3 Independent claim 11

The same argument applies *mutatis mutandis* to the subject matter of corresponding independent claim 11, which consequently lacks novelty (PCT Article 33(2)).

### 3.4 Independent claim 12

Document D1 describes (the references between parentheses apply to said document) a device for producing a ceramic item, including a mould (page 6, lines 7-13; figure 1a), a first vessel capable of containing a slip (page 6, line 15; figure 1a, reference sign 18), a second vessel capable of containing a solution (page 6, line 15; figure 1a, reference sign 20) and means for alternately pressure injecting the slip from said first vessel and the solution from said second vessel into said mould (page 6, lines 17-24; figure 1a as well as page 10, lines 7-10 and page 11, lines 17-19).

As a result, the subject matter of claim 12 is not novel (PCT Article 33(2)).

### 4. Dependent claim 2-8, 10 and 13

4.1 Claims 2-8 are dependent on claim 1 and, as such, therefore also fulfil the PCT requirements of novelty and inventive step.

4.2 Dependent claims 10 and 13 do not contain any features which, in combination with the features of any one of the claims to which they refer, might define subject matter that fulfils the PCT

requirements of novelty and/or inventive step.

The use of purge means to purge the injection means is considered to be routine practice for a person skilled in the art seeking to clean said injection means.

5. The subject matter of claims 1 to 13 is industrially applicable (PCT Article 33(4)).
6. Contrary to the requirements of PCT Rule 5.1(a)(ii), the description does not indicate the relevant prior art disclosed in documents D1 and D2, nor does it cite said documents.
7. The two-part form of the independent claims should be adapted to take into account the closest prior art of document D1.